

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

United States District Court
Southern District of Texas
FILED

APR 03 2013

David J. Bradley, Clerk

UNITED STATES OF AMERICA

§

§

v.

§

§

JONATHAN CHRISTIAN TREVIÑO

§

ALEXIS RIGOBERTO ESPINOZA

§

FABIAN RODRIGUEZ

§

Criminal No. M-13-0070-S2

GERARDO MENDOZA-DURAN

§

FERNANDO GUERRA, SR.

§

FERNANDO GUERRA, JR.

§

ALVARO GILBERTO DEHOYOS

§

SALVADOR JOEL ARGUELLO

§

CLAUDIO ALBERTO MATA

§

ERIC MICHAEL ALCANTAR

§

JAMES PHIL FLORES

§

JORGE GARZA

§

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One

(Conspiracy to Possess with Intent to Distribute More than 5 Kilograms of Cocaine)

From on or about January 1, 2009 to on or about December 12, 2012, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
ALEXIS RIGOBERTO ESPINOZA
FABIAN RODRIGUEZ
GERARDO MENDOZA-DURAN
FERNANDO GUERRA, SR.
FERNANDO GUERRA, JR.
ALVARO GILBERTO DEHOYOS
SALVADOR JOEL ARGUELLO
CLAUDIO ALBERTO MATA
ERIC MICHAEL ALCANTAR
JAMES PHIL FLORES
and
JORGE GARZA**

did knowingly and intentionally conspire and agree together and with other person or persons known and unknown to the Grand Jurors, to knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, 1,000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, and 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), 841(b)(1)(A).

Count Two

(Possession with Intent to Distribute - 32 Kilograms of Cocaine)

On or about May 5, 2011, in the Southern District of Texas and within the jurisdiction of the court, defendants,

**FERNANDO GUERRA, JR.
and
ALVARO GILBERTO DEHOYOS**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance was 5 kilograms or more, that is, approximately 32 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Three

(Possession with Intent to Distribute - 7 Kilograms of Cocaine)

On or about June 12, 2012, in the Southern District of Texas and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
FABIAN RODRIGUEZ
FERNANDO GUERRA, SR.
SALVADOR JOEL ARGUELLO
CLAUDIO ALBERTO MATA
and
ERIC MICHAEL ALCANTAR**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 7 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Four

(Possession with Intent to Distribute - 2 Kilograms of Cocaine)

On or about July 26, 2012, in the Southern District of Texas and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
ALEXIS RIGOBERTO ESPINOZA
FABIAN RODRIGUEZ
FERNANDO GUERRA, SR.
CLAUDIO ALBERTO MATA
and
ERIC MICHAEL ALCANTAR**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 500 grams or more, that is, approximately 2 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

Count Five

(Possession with Intent to Distribute - 4 Kilograms of Cocaine)

On or about August 21, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
FABIAN RODRIGUEZ
FERNANDO GUERRA, SR.
and
SALVADOR JOEL ARGUELLO**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was 500 grams or more, that is, approximately 4 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B) and Title 18, United States Code, Section 2.

Count Six

(Theft of Government Property - \$15,000)

On or about August 24, 2012, in the Southern District of Texas and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
FABIAN RODRIGUEZ
and
SALVADOR JOEL ARGUELLO**

did willfully and knowingly embezzle, steal, purloin and convert to their own use or the use of another a thing of value belonging to the United States or of any department or agency thereof, that is, approximately \$15,000 in United States currency.

In violation of Title 18, United States Code, Sections 641 and 2.

Count Seven

(Attempt to Possess with Intent to Distribute - 7 Kilograms of Cocaine)

On or about September 18, 2012, in the Southern District of Texas and within the jurisdiction of the court, defendant,

FERNANDO GUERRA, SR.

did knowingly and intentionally attempt to possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 7 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

Count Eight

(Attempt to Aid and Abet the Possession with Intent to Distribute - 20 Kilograms of Cocaine)

On or about October 19, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendant,

GERARDO MENDOZA-DURAN

did knowingly and intentionally attempt to aid and abet the possession with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 20 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Count Nine

(Attempt to Aid and Abet the Possession with Intent to Distribute - 20 Kilograms of Cocaine)

On or about November 1, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**ALEXIS RIGOBERTO ESPINOZA
and
GERARDO MENDOZA-DURAN**

did knowingly and intentionally attempt to aid and abet the possession with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 20 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Count Ten

(Attempt to Aid and Abet the Possession with Intent to Distribute - 9 Kilograms of Cocaine)

On or about November 2, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**ALEXIS RIGOBERTO ESPINOZA
and
GERARDO MENDOZA-DURAN**

did knowingly and intentionally attempt to aid and abet the possession with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 9 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Count Eleven

(Attempt to Aid and Abet the Possession with Intent to Distribute - 9 Kilograms of Cocaine)

On or about November 9, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**ALEXIS RIGOBERTO ESPINOZA
and
GERARDO MENDOZA-DURAN**

did knowingly and intentionally attempt to aid and abet the possession with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 9 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Count Twelve

(Attempt to Aid and Abet the Possession with Intent to Distribute - 20 Kilograms of Cocaine)

On or about November 30, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVINO
ALEXIS RIGOBERTO ESPINOZA
and
FABIAN RODRIGUEZ**

did knowingly and intentionally attempt to aid and abet the possession with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 20 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A), and Title 18, United States Code, Section 2.

Count Thirteen

(Possession with Intent to Distribute - 2 Kilograms of Cocaine)

On or about December 11, 2012, in the Southern District of Texas, and within the jurisdiction of the Court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
ALEXIS RIGOBERTO ESPINOZA
FABIAN RODRIGUEZ
SALVADOR JOEL ARGUELLO
and
ERIC MICHAEL ALCANTAR**

did knowingly and intentionally possess with intent to distribute a controlled substance. The controlled substance involved was more 500 grams or more, that is, approximately 2 kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

Count Fourteen

(Attempt to Possess with Intent to Distribute - 10 Kilograms of Cocaine)

On or about December 12, 2012, in the Southern District of Texas, and within the jurisdiction of the court, defendants,

**JONATHAN CHRISTIAN TREVIÑO
ALEXIS RIGOBERTO ESPINOZA
and
SALVADOR JOEL ARGUELLO**

did knowingly and intentionally attempt to possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more, that is, approximately 10 kilograms of

a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 846, 841(a)(1) and 841(b)(1)(A) and Title 18, United States Code, Section 2.

NOTICE OF FORFEITURE

21 U.S.C. § 853(a)

Pursuant to Title 21, United States Code, Section 853(a), the United States gives notice to defendants,

**FERNANDO GUERRA, SR
and
FERNANDO GUERRA, JR.**

that upon conviction of a conspiracy in violation of Title 21, United States Code, Section 846 or of a violation of Title 21, United States Code, Section 841, the following property, whether real or personal, is subject to forfeiture:

1. all property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as a result of such offenses including but not limited the sum of \$2,500,000.00; and
2. all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

Substitute Assets

Defendants are notified that in the event that property subject to forfeiture, as a result of any act or omission of defendants,

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;

(D) has been substantially diminished in value; or

(E) has been commingled with other property that cannot be divided without difficulty,

the United States will seek to forfeit any other property of the defendants up to the total value of the property subject to forfeiture, pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL

KENNETH MAGIDSON
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY